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4 Attorneys for Defendant
   JOSE CASTELLANOS
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                     UNITED STATES DISTRICT COURT
                    NORTHERN DISTRICT OF CALIFORNIA
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                           OAKLAND DIVISION
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  UNITED STATES OF AMERICA,
             Plaintiff,
                                    CR 04-40148 DLJ
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                                     STIPULATION AND ORDER TO
13
        v.
                                     CONTINUE STATUS HEARING
  JOSE CASTELLANOS,
14
                                     Date: May 16, 2008
             Defendant.
                                     Time: 9:00 a.m.
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        At the request of the parties, the Court enters this order
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   (a) continuing the status hearing presently set for Friday, May
  16, 2008 at 9:00 a.m. to August 1, 2008 at 9:00 a.m.; and (b)
   excluding time under the Speedy Trial Act from May 16, 2008,
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  based on the following:
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             Defendant JOSE CASTELLANOS, who is currently free on
  secured bond, has a pending motion to quash the search warrants
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  relevant to the indictment in the above-entitled matter, which
  has been deferred.
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        2.
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             The parties have engaged in and continue to engage in
   substantive discussions to resolve this matter short of
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litigation of motions and trial.

- 3. A status hearing is presently set for Friday, May 16, 2008, at 9:00 a.m.
- 4. Since the last stipulation, the parties were scheduled to meet on April 2, 2008 to further discuss resolution, and mutually contemplated a settlement conference with Magistrate Larson to follow if necessary.
- 5. Counsel for the government did contact Magistrate Larson's clerk in an attempt to schedule the settlement conference and received alternative dates that the Court was available; however, between the three attorneys there were numerous scheduling obstacles.
- 6. The parties agree that it is necessary to meet and confer in the hope of drafting a plea agreement; or at a minimum distill the positions of each party to maximize the focus of the settlement conference.
- 7. Accordingly, the parties agree that additional time is necessary, and furthermore, believe in good faith that they can resolve this matter short of litigation/trial.
- 8. Wherefore, the parties hereby request that this matter be continued from Friday, May 16, 2008 until Friday, August 1, 2008, at 9:00 a.m.
- 9. The parties stipulate that time is excludable from the limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance. This continuance, requested by the parties, will permit continuity of counsel, and allow the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

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10. Time is further excluded pursuant to 18 U.S.C. 1 sections 3161 (h)(1)(F) predicated upon the defendant's pending 2 Motion to Quash, which excludes delay resulting from any pre-3 trial motion from the filing of the motion through the conclusion of the hearing or other prompt disposition of such motion. 5 THE PARTIES THEREFORE STIPULATE that the further status 6 hearing be continued from May 16, 2008, until 9:00 a.m. on 7 8 August 1, 2008, with time continuing to be excluded as specified 9 above, such that the ends of justice served by granting such a continuance outweigh the best interests of the public and the 10 defendant in a speedy trial. 11 Dated: May 15, 2008 12 13 /s/ SHARI L. WHITE TIMOTHY J. LUCEY 14 TIMOTHY J. LUCEY SHARI L. WHITE Attorney for JOSE CASTELLANOS Assistant U.S. Attorney 16 17 IT IS SO ORDERED. 18 Dated: May 15, 2008 19 LOWELL JENSEN, Judge 20 United States District Court 21 22 23 24 25 26 27

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